

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

C&E BUILDERS, LLC,

Plaintiff,

v.

Case No. SA-24-CV-00026-JKP

**U.S. BANK TRUST NATIONAL AS-
SOCIATION, AS TRUSTEE OF
GROVE FUNDING I TRUST,**

Defendant.

MEMORANDUM OPINION AND ORDER

Before the Court is Defendant U.S. Bank Trust's Motion to Dismiss pursuant to Federal Rule 12(b)(6) filed on January 16, 2024. *ECF No. 6*. The Motion is GRANTED as unopposed. Plaintiff C&E Builders's causes of action that may be asserted based upon the facts supporting this action are DISMISSED WITH PREJUDICE.

C&E Builders's response to the Motion to Dismiss was due January 30, 2024. C&E Builders, who is represented by counsel, did not respond. On January 31, 2024, Magistrate Judge Bemporad ordered C&E Builders to respond to the Motion to Dismiss on or before February 14, 2024, and admonished it that the Motion could be considered as unopposed if it did not respond. *ECF No. 7*. C&E Builders did not respond, and U.S. Bank filed a Notice of No Response. *ECF No. 10*.

Local Rule CV-7 provides "[a] response to a dispositive motion shall be filed not later than 14 days after the filing of the motion. . . . If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed." W.D. Tex. R. CV-7(d)(2)


(2021). Because C&E Builders is represented by counsel and failed to respond to the Motion to Dismiss initially and after being ordered to do so, the Court GRANTS Defendant U.S. Bank Trust's Motion to Dismiss. C&E Builders's causes of action that may be asserted related to the facts supporting this action are DISMISSED WITH PREJUDICE.

The Court withdraws the referral of all pretrial matters to Magistrate Judge Bemporad.

The Court directs the Clerk of Court to close this case. Final Judgment will issue separately.

It is so ORDERED.

SIGNED this 29th day of February, 2024.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE